

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE APPLICATION OF M.C.
AND J.B. ON BEHALF OF B.C., THEIR MINOR
CHILD,

06Civ. 3898 (CS)(LMS)

Plaintiffs,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

- against -

RYE NECK UNION FREE SCHOOL DISTRICT,

Defendants.
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Seibel, J.

Before the Court is a Report and Recommendation of United States Magistrate Judge Lisa Margaret Smith dated May 19, 2008 (Doc. 20) (the “R&R”) in this action under the Individuals with Disabilities in Education Act, 20 U.S.C. § 1415 (“IDEA”). Judge Smith recommended that this Court conclude that Defendant complied with the IDEA by offering an appropriate individualized educational program to Plaintiffs’ child, and grant Defendant’s motion for summary judgment. Plaintiffs have not filed objections to the R&R.

A district court reviewing a Magistrate Judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Whereas a district court reviews *de novo* the parts of a report and recommendation to which timely objections have been lodged, 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3), a district court may adopt those portions of a report to which no objections have been made, as long as no clear error is apparent from the face of the record. *See*

Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985); Fed. R. Civ. P. 72 Advisory Committee Notes.

I find no error, let alone clear error, in Magistrate Judge Smith's thorough R&R. Accordingly, I hereby adopt her conclusions and recommendations. Defendants' motion for summary judgment is GRANTED. The Clerk of Court is respectfully directed to terminate the pending motion (Doc. 16), and to close the case.

SO ORDERED.



CATHY SEIBEL, U.S.D.J.

Dated: September 29, 2008
White Plains, New York